

REMARKS

The Examiner has restricted examination of claims 1-69 in this application. Specifically, the Examiner restricted claims 1-15 to Group I as being drawn to a laundry machine apparatus, claims 16-26 and 34-37 to Group II as being drawn to an apparatus for washing and drying, claims 27-33 to Group III as being drawn to a laundry cleaning device, claims 38-46 and 47-56 to Group IV as being drawn to a process for controlling washing cycles/operating, claims 57-62 to Group V as being drawn to a method of manufacturing a laundry cleaning device, and claims 63-69 to Group VI as being drawn to a process of a program control routine.

In accordance with 37 C.F.R. § 1.143, the Applicants elect to prosecute claims 1-15 of Group I *with traverse*. The Applicants stress that at least claims 1-33 should be examined together. After careful review of the Examiner's restriction requirement, the claims, the specification, and the Manual of Patent Examining Procedure, the Applicants believe that the Examiner's restriction requirement should be withdrawn. As discussed below, the Applicants believe that the *overlap in scope* between claims, the lack of *serious burden* to examine all claims, and the policy against *piecemeal* examination suggest that the Examiner should withdraw the restriction requirement and examine all pending claims.

First, the Examiner's restriction requirement is improper due to the overlapping scope of claims in Groups I, II, III, IV, V, and VI. The Manual of Patent Examining Procedure specifically states:

Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants.

M.P.E.P. § 806.05(d) (emphasis added). The Examiner's restriction requirement does not appear to meet the "do not overlap in scope" criteria set forth above. As indicated by the claim recitations, the claims have many commonalities and generally overlap in claim scope. For these reasons, among others, the Examiner's restriction requirement is improper and cannot stand.

Second, the Applicants object to the Examiner's restriction requirement on the ground of a lack of "serious burden" on the Examiner. As set forth in the Manual of Patent Examining Procedure, the criteria for a restriction requirement includes: (1) the inventions must be independent or distinct, and (2) there must be a serious burden on the Examiner. See M.P.E.P. §§ 802.02 and 803. In this case, the Applicants stress that overlapping claim scope and the corresponding disclosure in the original specification indicates that a proper prior art search and examination would consider *all* of the claimed features. Again, the Applicants believe that the overlapping scope and commonalities between these claims requires examination of all pending claims without restriction. The Applicants stress that:

If the search and examination of all the claims in an application can be made *without serious burden*, the examiner *must* examine them on the merits, even though they include claims to independent or distinct inventions.


M.P.E.P. § 803. For these reasons, among others, the Applicants respectfully request that the Examiner withdraw the restriction requirement and examine all pending claims.

Third, with reference to the Manual of Patent Examining Procedure, the Applicants also emphasize that "[p]iecemeal examination should be avoided as much as possible." M.P.E.P. § 707.07(g). Moreover, "the examiner should never overlook the importance of his or her role in allowing claims which properly define the invention." *Id.* at § 706. For these reasons, among others, the Applicants respectfully request the Examiner to withdraw the restriction requirement and allow the pending claims.

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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